



STOLL · KEENON · OGDEN  
PLLC

2000 PNC PLAZA  
500 WEST JEFFERSON STREET  
LOUISVILLE, KY 40202-2828  
MAIN: (502) 333-6000  
FAX: (502) 333-6099  
www.skofirm.com

**DOUGLAS F. BRENT**  
DIRECT DIAL: 502-568-5734  
DIRECT FAX: 502-562-0934  
douglas.brent@skofirm.com

December 21, 2007

Elizabeth O'Donnell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40601

RECEIVED  
DEC 26 2007  
PUBLIC SERVICE  
COMMISSION

**RE: Joint Petition for Arbitration of Newsouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and Xspedius Communications, LLC on Behalf of its Operating Subsidiaries Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Lexington, LLC, and Xspedius Management Co. of Louisville, LLC**  
**Case No. 2004-00044**

Dear Ms. O'Donnell:

Enclosed please find an original and eleven copies each of Xspedius Communications, LLC's Notice of Withdrawal From Arbitration and Notice of Withdrawal From Emergency Petition in the above-referenced matter. Please confirm your receipt of these filings by placing the stamp of your office with the date received on the enclosed additional copies and return them to me in the enclosed self-addressed stamped envelope.

Should you have any questions please contact me at your convenience.

Very truly yours,

STOLL KEENON OGDEN PLLC

  
Douglas F. Brent

DFB:ec  
Enclosures as mentioned  
cc: Parties of Record

105106.116472/503814.1

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**JOINT PETITION FOR ARBITRATION OF )  
NEWSOUTH COMMUNICATIONS CORP., )  
NUVOX COMMUNICATIONS, INC., KMC )  
TELECOM V, INC., KMC TELECOM III LLC, )  
AND XSPEDIUS COMMUNICATIONS, LLC )  
ON BEHALF OF ITS OPERATING SUBSIDIARIES )  
XSPEDIUS MANAGEMENT CO. SWITCHED )  
SERVICES, LLC AND XSPEDIUS MANAGEMENT )  
CO. OF LEXINGTON, LLC, AND XSPEDIUS )  
MANAGEMENT CO. OF LOUISVILLE, LLC )**

**CASE NO.  
2004-00044**

RECEIVED  
DEC 26 2007  
PUBLIC SERVICE  
COMMISSION

**NOTICE OF WITHDRAWAL FROM ARBITRATION**

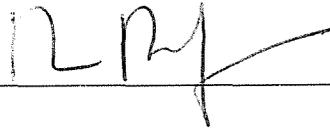
Xspedius Communications, LLC, by and for its operating subsidiaries named in this proceeding (“Xspedius”),<sup>1</sup> respectfully serves notice of its withdrawal, with prejudice, from participation in the joint petition filed in this docket for arbitration of certain issues arising from negotiation of interconnection agreements with BellSouth Telecommunications, Inc. pursuant to 47 U.S.C. § 252(b) of the Communications Act of 1934, as amended. Xspedius and AT&T Kentucky (BellSouth) have reached a negotiated resolution of all issues submitted for arbitration in this proceeding. Xspedius’ withdrawal, with prejudice, shall apply only to Xspedius and does not apply to any party that remains a petitioner in this proceeding.<sup>2</sup>

---

<sup>1</sup> As a result of a merger, the Xspedius operating entities in Kentucky have been consolidated and renamed Time Warner Telecom of Kentucky LLC.

<sup>2</sup> NuVox Communications remains a petitioning party in the proceeding.

Respectfully submitted this 21st day of December, 2007.

By:  \_\_\_\_\_

John J. Heitmann  
Kelley Drye & Warren LLP  
3050 K Street N.W.  
Suite 400  
Washington, D.C. 20007  
(202) 342-8544  
(202) 342-8451 (fax)  
jheitmann@kelleydrye.com

Douglas F. Brent  
Stoll Keenon Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202  
502 333 6000  
502 568 5734 direct  
[douglas.brent@skofirm.com](mailto:douglas.brent@skofirm.com)  
[www.skofirm.com](http://www.skofirm.com)

*Counsel for Xspedius Communications LLC*

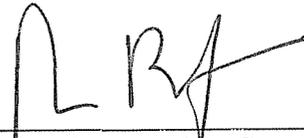
## CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Withdrawal from Arbitration was served via U.S. mail, first-class, postage prepaid, this 21st day of December 2007, upon the following persons:

Jake E. Jennings  
Senior Vice President  
NuVox Communications, Inc.  
Two North Main Street  
Greenville, SC 29601

Marva Brown Johnson  
Senior Regulatory Policy Advisor  
KMC Telecom V, Inc.  
1755 North Brown Road  
Lawrenceville, GA 30043

Honorable Mary K. Keyer  
General Counsel/Kentucky  
BellSouth Telecommunications, Inc.  
d/b/a AT&T  
601 West Chestnut Street, Room 408  
P. O. Box 32410  
Louisville, KY 40232



*Counsel for Xspedius Communications LLC*

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**JOINT PETITION FOR ARBITRATION OF )**  
**NEWSOUTH COMMUNICATIONS CORP., )**  
**NUVOX COMMUNICATIONS, INC., KMC )**  
**TELECOM V, INC., KMC TELECOM III LLC, )**  
**AND XSPEDIUS COMMUNICATIONS, LLC )**  
**ON BEHALF OF ITS OPERATING SUBSIDIARIES )**  
**XSPEDIUS MANAGEMENT CO. SWITCHED )**  
**SERVICES, LLC AND XSPEDIUS MANAGEMENT )**  
**CO. OF LEXINGTON, LLC, AND XSPEDIUS )**  
**MANAGEMENT CO. OF LOUISVILLE, LLC )**

**CASE NO.**  
**2004-00044**

RECEIVED  
DEC 26 2007  
PUBLIC SERVICE  
COMMISSION

**NOTICE OF WITHDRAWAL FROM EMERGENCY PETITION**

On March 1, 2005, Xspedius Communications, LLC, by and for its operating subsidiaries named in this proceeding (“Xspedius”),<sup>1</sup> joined with several other parties in filing a Petition for Emergency Relief (“Petition”) in this docket. By the Petition, the Commission was requested to declare that BellSouth may not unilaterally amend or breach its Kentucky interconnection agreements with the parties, or the Abeyance Agreement between BellSouth and the parties, to unilaterally implement certain provisions of the *Triennial Review Remand Order*.<sup>2</sup>

The Commission has not yet issued its order resolving all of the issues presented in the Petition. However, BellSouth and Xspedius have agreed on a mutually acceptable resolution of

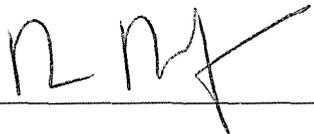
---

<sup>1</sup> As a result of a merger, the Xspedius operating entities in Kentucky have been consolidated and renamed Time Warner Telecom of Kentucky LLC.

<sup>2</sup> See *In the Matter of Unbundled Access to Network Elements* (WC Docket No. 04-313); *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers* (CC Docket No. 01-338), Order on Remand, FCC 04-290 (rel. Feb. 4, 2005). (“*Triennial Review Remand Order*”).

those issues. Therefore, Xspedius hereby withdraws as a party to the Petition for Emergency Relief in the above-captioned proceeding.<sup>3</sup>

Respectfully submitted this 21st day of December, 2007.

By:  \_\_\_\_\_

John J. Heitmann  
Kelley Drye & Warren LLP  
3050 K Street N.W.  
Suite 400  
Washington, D.C. 20007  
(202) 342-8544  
(202) 342-8451 (fax)  
jheitmann@kelleydrye.com

Douglas F. Brent  
Stoll Keenon Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202  
502 333 6000  
502 568 5734 direct  
[douglas.brent@skofirm.com](mailto:douglas.brent@skofirm.com)  
[www.skofirm.com](http://www.skofirm.com)

*Counsel for Xspedius Communications LLC*

---

<sup>3</sup> NuVox Communications remains a party to the Petition.

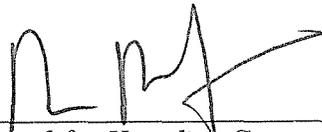
## CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice of Withdrawal from Emergency Petition was served via U.S. mail, first-class, postage prepaid, this 21st day of December 2007, upon the following persons:

Jake E. Jennings  
Senior Vice President  
NuVox Communications, Inc.  
Two North Main Street  
Greenville, SC 29601

Marva Brown Johnson  
Senior Regulatory Policy Advisor  
KMC Telecom V, Inc.  
1755 North Brown Road  
Lawrenceville, GA 30043

Honorable Mary K. Keyer  
General Counsel/Kentucky  
BellSouth Telecommunications, Inc.  
d/b/a AT&T  
601 West Chestnut Street, Room 408  
P. O. Box 32410  
Louisville, KY 40232



---

*Counsel for Xspedius Communications LLC*